

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on March 22, 2004 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks Legislative Research Department
Carolyn Rampey Legislative Research Department
Art Griggs, Office of the Revisor of Statues
Ann Deitcher, Secretary

Conferees appearing before the committee:

Representative Mike O'Neal

HB 2940 - concerning schools; relating to required courses of study.

The Chair introduced Representative O'Neal who spoke to the Committee in explanation of **HB 2940**. (Attachment 1).

Questions were asked of Representative O'Neal and suggestions were made in regard to various amendments to **HB 2940**.

The Chair told the Committee that due to a lack of time, the hearing on **HB 2940** would be continued until the next Committee meeting. Other conferees in attendance were asked to postpone their testimony until that time.

The meeting was adjourned at 10:25. The next meeting is scheduled for Tuesday, March 23, 2004.

SCHOOL FINANCE PROPOSAL

1. The constitution requires the state to make suitable provision for the funding of public education in the state.
2. The legislature has never sought to give definition to that constitutional mandate.
3. Without definition, education is capable of being defined as the sum total of what is being offered in the various districts, from whatever source.
4. It is the present disparity in what is being offered across the state that has fed the claims of unequal educational opportunity.
5. What we all expect of our public school offerings, at a minimum, is subject to definition, if only we would commit to establishing the definition.
6. At the high school level, in particular, what we expect is pretty well defined by existing statute.
7. It is possible to cost out a hypothetical model high school using the required curriculum, adding the average number of students who are expected to attend, adding the number of teachers and staff necessary to teach that curriculum, based on a reasonable assumption of an adequate student-teacher ratio and, finally, adding the classrooms and ancillary facilities to accommodate those students, classes and activities.
8. The same exercise is possible with a grade school/ middle school model.
9. It is possible to add in the additional cost of providing special services, depending on the school, whether it is the cost of transportation, the cost of educating bi-lingual students, at risk students, etc.
10. Those total costs should represent the foundation funding that is constitutionally mandated. Those costs should become the yardstick for determining adequacy of funding, rather than an approach that includes every single course or activity that districts may, cumulatively, offer, whether part of the essential foundation curriculum or not.
11. The state will, unquestionably, provide funds in addition to those outlined above, but, importantly, those additional funds will not and should not impact the question of funding from the standpoint of the state constitution.

12. Without making wholesale changes in the current formula, the 2004 legislature could add a simple provision to the current law that would go a long way toward insulating us from further constitutional challenges, at least in the short term while we're pursuing the appeal in the Kansas Supreme Court.
13. I propose we insert a form of preamble to the current formula that establishes a presumption, or preferably, a mandate, that all funds appropriated for the funding of K-12 education be considered to be first applied to fund the foundation curriculum and essential basic services.
14. We know that a vast array of curriculum and services are being funded presently. It would be difficult to argue that what the state currently provides in funding is not adequate in any particular district to fund the foundation curriculum and services associated with that curriculum. The burden would clearly be on a plaintiff to prove the funding was not adequate and, more importantly, the burden would be on the plaintiff to do a cost analysis of the difference between the foundation cost and the total cost of operating the school.
15. The key is defining what we consider to be the essential basket of educational goods and services we expect every child in the state to have access to in every district. It is decidedly less than the totality of what is being offered but abundantly more than "reading, writing, and arithmetic", as reflected in the requirements established by the State Board. Once we provide the constitutionally mandated framework, the exposure to liability under the education article is dramatically reduced.
16. This proposal protects the concept of local control, since local units would be free to use local revenues to fund any curriculum, activities or services not otherwise included within the foundation curriculum, all without risking a claim of unequal educational opportunity.
17. Needless to say, this proposal would not require any additional funds and would not have us running the risk of doing something this year to change the current formula that is enough to cause the Court to dismiss the appeal as being moot.